



Ledyard Police Department



General Order 16-04

DATE: April 4, 2016

Replaces: Ledyard Police Operations Manual Chapter 8

USE OF FORCE POLICY

1. Purpose

To establish the policies and procedures that govern the use of force by authorized personnel of the Ledyard Police Department

2. Discussion

A police officer's decision to use force in response to resistance, violence, or the threat of violence is a critical decision with many factors to be considered. The officer must decide when to use force, which application is appropriate, and how much force is the minimum amount required to accomplish a lawful objective. The department has a responsibility to train officers in the proper use of force and to review each application of force by a member of the Ledyard Police Department.

Ledyard Police Officers derive their authority to use force from Sections 53a-18, 53a-19, and 53a-22 of the Connecticut General Statutes. The legal standard for the reasonable use of force by officers is derived from the United States Supreme Court case *Graham v Connor*, 490 U.S. 386 (1989). The decision states, in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Factors relevant to the determination of reasonableness include the severity of the crime the officer believes the suspect has committed or is committing, whether the suspect posed an immediate threat to the safety of officers and the public, and whether the suspect has actively resisted arrest or attempted escape, and any other fact or circumstance which reasonably bears upon the decision to use force. This standard of "objective reasonableness" is the standard the department uses in examining a particular use of force by a Ledyard Police Officer.

3. Definitions

- a. Active Resistance. Any physical act, or failure to act, undertaken by a subject against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of a subject.
- b. Deadly Force. Physical force, which can be reasonably expected to cause death or serious physical injury of a human being.
- c. Less Lethal Force. That force which has the potential to cause bodily harm (physical injury) or pain.
- d.
- e. Reasonable Physical Force. The degree or amount of force which is necessary to affect an arrest, prevent escape or overcome force being used against the officer or other person.
- f. Reasonably Believes. Denotes the fact that the actor believes based on the facts or circumstances a cautious and prudent officer would make a similar decision. The elements of reasonable belief include a combination of an officer's own training and experiences as well as circumstances which exist, or are known to the officer at the time of the incident.

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- g. Imminent. Close to or at the point of happening.
- h. Physical Injury. Bodily harm or hurt, which has the potential to physically disfigure, impair health or cause temporary impairment of a bodily part. This excludes mental distress, fright or emotional disturbance.
- i. Serious Physical Injury. Physical injury, which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health, or serious impairment or loss of function of any bodily organ.
- j. Death. The cessation of life; permanent cessation of all vital functions and signs.
- k. Officers. Sworn members of the Ledyard Police Department
- l. De-Escalation. A decrease in the level of force used by officers in an incident in direct response to a decrease in the level of resistance.

4. Policy

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- a. Police Officers are permitted to use reasonable force in the performance of their duties consistent with Connecticut General Statutes and federal and state case law.
- b. Levels of force include:
 - i. Deadly force, whether or not it results in death, and
 - ii. Less lethal force
- c. Use of Force Consists Of:
 - i. **Deadly Physical Force, Use of Less Lethal Weapons (i.e. CEW, OC Spray, Baton, Bean Bag Round), Strikes Delivered By Hand, Arm, Leg, Foot or by any other means at the officer's disposal based upon the officer's training and experience.**
 - ii. In situations where a firearm is pointed at a subject as a control measure, the circumstances will be documented in a Use of Force report and in the officer's incident report, reviewed by a supervisor and forwarded to the Chief of Police through the chain of command.
- d. The following **does not constitute** use of force:
 - i. The mere presence of officers at an incident or scene
 - ii. Verbal commands without an implied or implemented use of force with a weapon
 - iii. Training
 - iv. Actions of physical control that do not result in injury or complaint of pain by either party. Such actions shall be reported in the officer's incident report.
 - v. Unholstering a weapon unless directed at a person as a control measure
 - vi. Non-resistant handcuffing of a subject

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- e. Use of Deadly Physical Force
 - i. Officers will only use the force necessary to accomplish lawful objectives.
 - ii. Officers will be familiar with the statutes pertaining to the use of deadly physical force and will ensure that any use of deadly physical force meets the objective reasonableness standard test.
 - iii. Sworn personnel are authorized to use Deadly Physical Force in order to:
 - 1. Defend the officer or third person from what the officer reasonably believes to be the use or imminent use of deadly force.
 - 2. Effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed or attempted to commit a felony, which involved the infliction or threatened infliction of serious physical injury,
 - 3. Where practical, the officer has given warning of his/her intent to use deadly force, and
 - 4. The officer reasonably believes that the person still poses a significant threat to the officer or a third person through the use of deadly force to the officer or a third person.
 - iv. Sworn personnel are **not permitted to use deadly force under the following circumstances:**
 - 1. **THE USE OF WARNING SHOTS IS STRICTLY PROHIBITED.**
 - 2. Discharging a firearm at or from a moving vehicle, **except:**

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- a. As the ultimate measure of self-defense,
 - b. In defense of another when a suspect is using deadly force from a vehicle by any means including the vehicle itself.
- v. **Deadly Force Incident Investigations and Reporting**
 - 1. Ledyard Police Department personnel involved in an officer-involved deadly force incident shall complete comprehensive reports on all their activities relative to the investigation. Upon request, all Ledyard Police Department reports related to the deadly force incident shall be made available to the State's Attorney Office and its designated investigators
 - 2. An Administrative investigation shall be launched whenever an officer uses deadly force upon another person.
- vi. **Use of Force Incident Press Release**
 - 1. Only the Chief of Police or designee may speak for the department regarding officer-involved use of force incidents.
 - 2. When an officer has used deadly force upon another person and such person has died or is likely to die, the designated State's Attorney's Office will review all Ledyard Police Department press releases related to the incident.
- f. **Use of Force – Forceful Terminations of Motor Vehicle Pursuits**
See General Order 16-03 regarding Vehicle Pursuit
- g. **Use of Force Analysis**
 - i. On an annual basis in January, the Sergeant assigned to Use of Force Training will conduct an analysis of all use of force incidents by personnel of the Ledyard Police Department.
 - ii. The use of force analysis shall be used to identify patterns or trends that may indicate training needs and/or policy modifications.
 - iii. A copy of the use of force analysis will be forwarded to the Chief of Police and the Lieutenant.
- h. **Rendering Medical Aid**
 - i. When sworn personnel use deadly or less lethal force upon a subject and an injury is observed, or the subject complains of discomfort, pain, or injury, sworn personnel shall ensure that the appropriate medical aid is rendered.
 - ii. Medical aid will only be rendered after the subject's ability to implement less lethal or deadly force has been neutralized and it is safe to render medical aid.
 - iii. All injury and medical information will be clearly documented in an incident report.
 - iv. Medical aid may be provided through, but not limited to, the following:
 - 1. Officer initiated
 - 2. EMT, Paramedic, and/or LVES personnel
 - 3. Hospital

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5. **Procedures**

- a. Personnel will keep in mind that the use of deadly force has the potential to present a threat to the community.
- b. **Post Use of Deadly Force Investigation**
 - i. Officer-involved deadly force investigations shall include, but not be limited to, the following deadly force incidents:
 - 1. The use of deadly force by an officer upon another person, whether or not the force results in death or injury, and/or
 - 2. The unintentional discharge of a firearm by an officer
 - ii. **Investigative Roles and Responsibilities**
 - 1. The first uninvolved officers on the scene will:

- a. Render medical aid to the injured,
 - b. Secure, control and preserve the scene without the removal or relocation of evidentiary material including motor vehicles. Once the scene is “secure” the following procedures shall be carried out:
 - i. Establish an inner and outer perimeter to protect the incident scene from unauthorized entry and contamination,
 - ii. Implement a written log to keep track of all authorized persons entering or leaving the inner perimeter. The log shall also document the dates and times authorized persons entered and left the inner perimeter.
 - iii. Locate and take the names of witnesses and potential witnesses as well as note registration numbers of involved motor vehicles.
 - iv. Conduct interviews when practical
 - v. Perform or assist with other appropriate investigative activities to the extent that the passage of time would inhibit such activities, and
 - vi. Complete a comprehensive report on all activities performed in relation to the post use of deadly force investigation.
2. First Uninvolved Supervisor on scene:
- a. As soon as possible after the deadly force incident, the duty Sergeant, if not directly associated with the incident, shall make a preliminary inquiry to determine the scope and seriousness of the incident. Based on the results of this inquiry, the supervisor will provide notification to the persons listed below. Dispatch will be advised to make an entry in IMC indicating the time of each notification. The supervisor will notify the:
 - i. Chief of Police. **In the absence of the Chief of Police, the Lieutenant or designee will be responsible for notifying the Mayor of the Ledyard, or designee, as soon as practical (if possible before news of the incident is released or reported by the media).**
 - ii. State’s Attorney Officer (Superior Court, Part A, New London, Connecticut). **The State’s Attorney’s Office shall be notified immediately when an officer has used deadly force upon another person and such person dies or is likely to die,**
 - iii. Ledyard Police Detective Division
 - iv. Ledyard Police Department EAP contact person.
 - v. Police Union Representative,
 - vi. Chief State’s Attorney’s Office (860) 258-5800 who in turn will assign an appropriate State’s Attorney and notify the Connecticut State Police,
 1. Other police agencies having a direct interest in the subject officer(s) involved in the deadly force incident (when applicable), and/or
 2. Police Chaplain (when applicable).
 - vii. The uninvolved Sergeant shall assume command of the incident scene, ensuring scene security, control, and preservation. **The incident scene must be preserved without the removal or relocation of evidence, including motor vehicles, unless failure to do so would detract from the evidentiary value.**
 - viii. The Sergeant shall safely remove the involved officer(s) from the incident scene as soon as possible.
 - ix. The Sergeant shall ensure that another Ledyard Police Department member **remains with the officer at all times,**
 - x. The Sergeant shall secure the involved officer’s implement of deadly force and all other equipment and clothing worn at the time of the incident as evidence as soon as practical. These items shall not be altered unless

such is required for the safety of the officer securing said equipment. However, it is imperative that if a duty weapon was used, that the weapon is not altered in any way (i.e. bullet(s), casing, ammo magazine not be removed from the weapon).

- xi. The department shall issue a replacement weapon to the officer as soon as practical, when an officer uses deadly force upon another person.
 - xii. Unless otherwise stipulated in the officer's emergency contact information sheet, a ranking member of the Ledyard Police Department and the Ledyard Police Chaplain (or member of the clergy) shall be assigned the task of notifying the officer's and/or other person's next of kin. **Next of kin shall be informed about the availability of resources and services to assist them,**
 - xiii. Interview involved personnel separately and as soon as possible. **When an officer has used deadly force upon another person and such person dies or is likely to die, the State's Attorney Office shall be in charge of the officer interview process, and**
 - xiv. The Sergeant shall complete a comprehensive report on all activities performed in relation to the post lethal force investigation.
3. Uninvolved Detective Division Personnel on the Scene
- a. Unless directed otherwise by the Chief or State's Attorney the Ledyard Police Department will assume command of the use of force investigation when the deadly force incident does not involve the death or likely death of another person. **The State's Attorney Office shall direct all investigative activities when an officer uses deadly force upon another person and such person dies or is likely to die. In this situation, the State's Attorney Office shall decide whether or not to use Ledyard Police Department Detective Division to aid in investigating the deadly force incident.**
 - b. Uninvolved Ledyard Police Department Detectives shall be available to conduct or assist with officer-involved deadly force incident investigative tasks. This includes, but is not limited to, the following:
 - i. Interviewing witnesses,
 - ii. Processing the incident scene:
 - 1. Collecting and securing evidence
 - 2. Photographing and diagramming the scene.
 - iii. Identifying and locating the suspects,
 - iv. Conducting follow-up interviews,
 - v. Preparing and serving search and seizure warrants,
 - vi. Preparing and serving arrest warrants,
 - vii. Notifying the State's Attorney Office (when applicable)
 - viii. Notifying the Connecticut State Police Major Crime Squad (when applicable).
 - ix. Performing any other tasks necessary to complete the investigation.
 - x. Completing a comprehensive report on all activities performed in relation to the post-deadly force investigation.
4. State's Attorney Office
- a. Once notification has been made, a representative of the State's Attorney Office shall respond to the incident scene within a timely fashion. **Per Connecticut General Statute 51-227a, the State's Attorney Office shall be charged with directing the lethal force investigation and all associated investigative**

activities, when an officer has used deadly force upon a person and said person has died or is likely to die.

- b. Upon the arrival of a representative from the State's Attorney Office, the representative shall discuss the incident with the supervisor who is in charge of the incident scene.
- c. The State's Attorney Office shall be responsible for requesting appropriate law enforcement agency assistance (i.e., CSP Major Crime Squad). This assistance shall be used in determining the circumstances of the deadly force incident. The State's Attorney Office shall:
 - i. Determine what agency or agencies shall be responsible for processing the incident scene,
 - ii. Determine what agency or agencies shall be responsible for analyzing the evidence, and, if necessary,
 - iii. Determine what agency or agencies shall be responsible for reconstructing the event and scene.
- c. Deadly Force Incidents Without Death or Serious Injury
 - i. In the event a deadly force incident does not involve death or serious injury, the first uninvolved Supervisor shall notify the:
 - 1. Chief of Police,
 - 2. Ledyard Police Lieutenant
 - 3. Detective Division
 - 4. Police Union Representative, and
 - 5. Ledyard Police Department EAP contact person.
 - ii. The responsibility for the investigation shall rest with a supervisor higher in rank than that of the subject employee. The Chief of Police or his/her designee shall designate the investigating supervisor. If applicable, the supervisor may employ the services of Detective Division personnel to assist with the investigation.
 - iii. A comprehensive report shall be generated on deadly force incidents that do not involve death or injury.
- d. Advisements

Any employee of the Ledyard Police Department whose actions or use of deadly force results in death or serious injury shall be advised of the following:

 - i. The employee shall be advised of his/her rights with regards to both a criminal and internal investigation,
 - ii. The employee shall be advised that a criminal investigation shall be conducted,
 - iii. The employee shall be advised that there shall be a separate Administrative Review investigation,
 - iv. The employee shall be advised about the role the State's Attorney Office shall play with regards to an employee's actions and/or use of deadly force,
 - v. The employee shall be advised that he/she shall be temporarily reassigned to perform administrative duties or work in another police related capacity throughout the duration of the investigation. The length of the reassignment will be determined by facts of the investigation and the employee's desire to return to duty.
 - vi. The employee shall be advised that he/she may be the subject of a supervisory referral to the department's Employee Assistance Program.
- e. Deadly Force Incident Reporting

When an officer has used deadly force upon another person and said person dies or is likely to die, in addition to the reporting requirements detailed later in this policy, the State's Attorney Office shall investigate the incident and file a report with the Chief State's Attorney Office. The Chief State Attorney

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shall forward a copy of the State Attorney's report to the Chief of Police. A copy of this report shall be maintained with all other reports related to the deadly force incident.

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- i. Use of Force training will be conducted annually for all sworn officers by a POSTC certified range instructor(s) at the annual pistol range qualification.
- ii. Every other year, officers shall receive training on the requirements and processes involved in the investigation of an officer involved deadly force incident at semi-annual firearms qualification.

f. Less Lethal Force

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- i. An officer may use less lethal force upon another person when and to the extent that he/she reasonably believes it necessary to:
 1. Effect an arrest or prevent the escape from custody of a person whom he/she reasonably believes to have committed an offense,
 2. Defend him/herself or a third person from the imminent use of less lethal force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape,
 3. Maintain order or prisoners, or
 4. Restrain persons who are mentally ill and dangerous to themselves or others, or are gravely disabled and in need of immediate care and treatment.
- ii. Less lethal force may include:
 1. Less lethal weapons such as CEW, OC spray or baton,
 2. Hard strikes delivered by hand, arm, leg, or foot, and/or
 3. Any other means at the officer's disposal based upon the officer's training and experience.
- iii. Less Lethal Kinetic Energy Impact Projectiles are flexible or non-flexible projectiles, which are intended to incapacitate a subject with less potential for causing death or serious physical injury when compared to conventional projectiles.
 1. Deployment Considerations
 - a. The use of kinetic energy impact projectiles is to be considered a level of DEADLY FORCE when intentionally deployed to strike a location recognized as likely to cause death or serious physical injury, e.g., the head, neck/throat, and to a lesser degree, the chest or solar plexus.
 - b. The only kinetic energy impact projectile authorized for use by the Ledyard Police Department is the 12 gauge "ALS 1212T Triton Bean Bag" round.
 - c. The deployment of a less-lethal impact projectile must be authorized by the supervising officer at the incident scene, unless exigent circumstances direct otherwise.
- iv. Deployment
 1. Less-Lethal projectiles will be delivered to a subject target based on the circumstances, established safety priorities, and the level of force authorized.
 2. The impact weapon training chart (Exhibit "A") is the recognized model for determining contact areas for kinetic energy impact weapons based on potential for injury.
 - a. Green – these areas will be considered when incapacitation is necessary and the minimal potential for injury is the appropriate response.
 - b. Yellow / Red – these areas will be considered when an escalation of force above green (areas) is necessary and appropriate, acknowledging an increase in potential for death or serious physical injury.

- c. Head / Neck / Groin – Intentional impacts to these areas will be avoided unless the use of deadly force is necessary.

v. Deployment Techniques

1. The approved shotgun is a Remington Model 870 twelve gauge shotgun with an orange stock and fore grip. It will be carried, unloaded, with less-lethal kinetic projectile “ALS 1212T Bean Bag” ammunition in an ammunition holder approved by the department. No lethal ammunition shall be carried in or on the shotgun designated for the delivery of less-lethal projectiles, or in its storage case.
2. Less-lethal kinetic energy impact weapons should not be used without consideration of a cover officer being present.
3. Officers shall announce the intended use of less-lethal impact weapons to officers at the incident scene to prevent the accidental discharge of lethal ammunition, i.e. reactive firing.

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vi. Handling of Injured Subjects

1. Subjects struck by a less-lethal projectile shall be attended to by the involved officer(s) following their medical training. Appropriate transport to a medical facility for examination will also be assured by the involved officer(s) and/or supervisor.
2. An investigation will be conducted into any situation involving the firing of a less-lethal projectile at a subject.
3. Photographs of the injuries will be taken whenever feasible.

vii. Notification and Review

1. The Chief of Police will be immediately notified whenever the less-lethal kinetic impact projectile weapon is deployed. The depth of the investigation will be decided by the Chief of Police or his designee and will be based on the totality of the circumstances and applicable laws.
2. The operational use of a kinetic energy impact projectile will be documented in a written report by the deploying officer to include a Use of Force Report. Both reports will be submitted to the Chief of Police through the chain of command for proper review and filing.

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viii. Training

1. Training in the use of extended range kinetic energy impact projectiles weapon will consist of the approved department end-user program and bi-annual re-certification. Officers must demonstrate proficiency with the weapon in compliance with POSTC requirements. Failure to obtain recertification will result in the officer being denied permission to carry the kinetic energy impact projectile until such time as training has been provided and demonstration of proficiency has been documented.

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ix. Conducted Electrical Weapon

The following policy is implemented as per the requirements of PA-14-149 concerning the use of electronic defense weapons by police officers. As such, this policy deals with the use of the Department issued Conducted Electrical Weapon (Model X26/X26P TASER®) CEW. Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

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Officers are specifically granted the legal authority to carry weapons under C.G.S. 53-206 “while

engaged in the pursuit of such officer's official duties."

DEFINITIONS:

CONDUCTED ELECTRICAL WEAPON (CEW): The CEW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

PHYSICAL FORCE: Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

LESS-THAN-LETHAL FORCE: A use of force which is not likely to cause death or serious physical injury.

ACTIVE RESISTANCE: Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.

PASSIVE RESISTANCE: The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.

DEPLOYMENT: Does not include the mere removal of the CEW from the holster, but does include any use of a CEW against any person, including the illumination of the laser sight onto an individual.

Officers will be trained in and authorized to carry and deploy the Department issue Electronic Defense Weapon (Model X26/X26P TASER®) after demonstrating proficiency with the device, in compliance with POSTC requirements.

- a. The use of the CEW will be limited to the degree of reasonable force that is necessary to accomplish lawful objectives, ie provide protection for the officer, the subject, third parties and/or to effect an arrest.
- b. Only officers who have successfully completed *annual* departmental CEW training and taken a written exam achieving a score of 80% from an authorized CEW instructor shall be permitted to carry/utilize a CEW.
- c. The device shall be carried in accordance with the manufacturer's recommendations and Department training. The device shall be carried in an

approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.

- d. The CEW is **not** a replacement for the firearm and **should not be used without firearm backup** in those incidents where there is a potential threat towards the officer(s) or third parties.
 - i. Prior to using the CEW, where practical, a verbal warning of its impending use should be given to warn other officers of its impending discharge.
 - ii. When applicable, the verbal warning of “TASER – TASER” shall be given in a loud, clear, commanding voice.
- e. As in all uses of force, certain individuals may be more susceptible to injury. The CEW is **not to be used** on the following persons:
 - i. Women known to be pregnant as muscle contractions and/or a fall may cause medical complications
 - ii. The infirm
 - iii. The elderly (unless extraordinary circumstances exist to prevent use of deadly force)
 - iv. Small children
 - v. Persons of small stature irrespective of age
 - vi. Persons with a low Body-Mass Index (BMI) (severely underweight)
 - vii. Persons equipped with a pacemaker
 - viii. Persons in obvious ill health
- f. The CEW is **not to be used** in conjunction with the following:
 - i. In a punitive or coercive manner;
 - ii. On a handcuffed or secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with any other less intrusive fashion;
 - iii. On any suspect who does not demonstrate an overt intention (1) to use violence or force against themselves, the officer or another person, or (2) to flee in order to resist or avoid detention or arrest, (3) actively resist arrest;
 - iv. On any subject demonstrating only passive resistance.
 - v. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
 - vi. In any environment where it is likely that the subject may drown or fall from an elevated area.
- g. CEW Assignment and Testing
 - i. If not assigned to the officer, CEWs shall be signed out at the beginning of the patrol shift from the duty supervisor.
 - ii. Officers authorized to deploy the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge’s leads break during engagement. The spare cartridge shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer’s expiration.

- iii. Officers shall test the CEW unit at the beginning of their shift to ensure it is operational. The CEW unit must have a charge level above 19% to be used. Officers will:
 - 1. Make certain the CEW is off and pointed in a safe direction during loading, unloading or when handled in other than operational deployment.
 - 2. Remove the Probe cartridge and place or hold it at a safe distance from the CEW to prevent a static discharge.
 - 3. Turn the CEW on for spark testing. Depress the trigger and listen for the rapidity of the electric pulse
 - a. Rapid electric pulse = Working condition satisfactory
 - b. Slow electric pulse = Notify CEW Instructor
 - c. Below 19% (1 bar showing in the display is equal to 20%) - Notify the CEW Instructor
 - 4. Turn the CEW off
 - 5. Replace Probe Cartridge
 - 6. Place in approved holster for carry on duty.
- h. Aiming and Firing the CEW:
 - i. The officers should aim at the subject while adhering to the manufacturer's target zones whenever reasonably possible.
 - ii. Officers should take into consideration the capabilities and limitations of the CEW whenever employing it at close quarters.
 - iii. The CEW should be aimed by use of the aiming laser(s) whenever possible. Fixed sights shall be used when the laser sight(s) are, ineffective or as a secondary aiming tool.
 - iv. The officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.
 - v. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the CEW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the CEW should be independently justifiable. Officers should only deploy the CEW to the extent necessary to gain control of the subject.
 - vi. After using the CEW the deploying officer shall, whenever possible, request the duty-supervisor to respond to the scene and collect the following as evidence:
 - 1. The expended cartridge probes labeling them as biohazards. Inverting the probes in a vial or envelope and taping them in place should safely contain them.
 - vii. Drive stuns (touch stuns), while authorized, shall be used sparingly, consistent with training.
 - 1. From a policy perspective, drive stuns are no different than a cartridge deployment.
 - 2. It is important to note that when the CEW is used in this manner, it is primarily a pain compliance tool; is minimally effective compared to a conventional cartridge deployment, and is more like to leave marks on the subject's skin.

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viii. Officers should not intentionally activate more than one CEW at a time against a subject.

i. Following the Deployment of the CEW

2. Whenever the CEW is used on a person, after being restrained, the subject will be evaluated by qualified medical personnel and/or transported to Hospital Emergency Room to receive a medical evaluation and treatment by qualified medical personnel in the event of an obvious health issue.

i. Police officers shall not remove probes which have implanted anywhere on a subject's body. Probes that have entered the skin shall only be removed by competent medical authority.

ii. Officers should obtain a copy of the medical release or waiver of treatment from attending emergency room personnel.

iii. The deploying officer or his/her supervisor shall photograph all injuries resulting from the use of the CEW and download the photographs into the Arrest Report and Offense Report, when applicable.

1. Injuries resulting from the CEW's probes.

2. Injuries sustained in a fall resulting from the use of a CEW.

iv. The Patrol Supervisor shall notify the Lieutenant whenever an injury, other than an embedded probe, occurs as the result of the use of a CEW.

v. The deploying officer shall complete and submit a Use of Force Report to the Lieutenant via the chain of command whenever the CEW is used on a subject. The Lieutenant will obtain the data download and attach it to the report form. The form and attached data download shall be filed with the Use of Force Review Report and forwarded, no later than thirty (30) days after the incident, to the Institute for Municipal and Regional Policy at Central Connecticut State University. A written case report and "Use of Force" report shall also be completed by the deploying officer and submitted to the supervisor. This report will specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event. Both report forms will be completed no later than the next shift by the officer and supervisor.

vi. The supervisor shall notify the Lieutenant of each CEW use.

vii. A copy of the "Electronic Defense Weapon Annual Report" will be forwarded to the Department's CEW instructor.

viii. A copy of the Use of Force report with attachments will be forwarded to the LPD Lieutenant for review. The supervisor's findings regarding the deployment of the CEW shall be documented in the Use of Force Report

ix. Should a determination be made by a supervisor that the use of the CEW was questionable or inappropriate; the matter shall be immediately referred to the Chief or his designee for further review and action.

b. Annual Reporting

In keeping with the state requirements beginning January 1, 2016, it shall be the policy of the Ledyard Police Department to complete the POSTC EDW/CEW Annual Report Form as required by statute. Said Report Form is to be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than January 15th covering the preceding calendar year. The report is required for any department having deployed a CEW against any individual within the calendar year; any department

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authorizing the deployment of a CEW but not having any deployments within that calendar year; and, finally, by any department not authorizing the deployment of the CEW. Fields are provided on the Annual Report for those departments falling into the latter two (2) categories.

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x. OC Spray

1. OC Spray is an organically based aerosol device designed to incapacitate an attacker without harmful side effects. OC Spray should be deployed in accordance with department use of force training, department policies and state and federal law.
2. OC Spray is intended to allow an officer to gain a tactical advantage and aid in controlling a hostile subject by causing the subject's eyes to close, his/her breathing to become inhibited and by creating a distraction.
3. All members of the Ledyard Police Department shall be trained in the use of OC Spray before it is issued to them and before they are permitted to carry it on duty.
4. Retraining shall be conducted on a bi-annual basis as part of the department's weapons recertification program. Failure to obtain recertification will result in the officer being denied permission to carry the OC Spray until such time as remedial training has been provided and demonstration of proficiency has been documented.
5. OC Spray care and maintenance:
 - a. Uniformed officers who are authorized to carry OC Spray shall wear it on the gun belt where it can be easily accessed.
 - b. OC Spray should be shaken vigorously when first acquired and at least once a month thereafter. A one second test spray is recommended when issued a new canister.
 - c. During annual recertification training the expiration dates of each canister shall be examined. Expired canisters shall be turned over to the department quartermaster for disposal.
 - d. The Training Officer shall issue replacement canisters as needed.
 - e. OC Spray shall be stored at normal room temperature and shall not be placed near excessive heat or open flames.
 - f. Prolonged exposure to sunlight or temperatures more than 120 degrees have been known to rupture canisters.
 - g. Prolonged exposure to temperatures below freezing may result in slower discharge and/or shorter range.
6. OC Spray deployment
 - a. OC Spray is authorized for use whenever a subject is combative, assuming a fighting stance, or indicates aggressive intent by other means.
 - b. OC Spray may not be effective against some subjects. Officers should be prepared to use other means to control a subject in these situations.
 - c. Care should be taken to avoid spraying near an open flame.
 - d. Under normal circumstances a one second spray to the face is sufficient to control a subject.
 - e. Whenever possible, a safe distance should be maintained from the subject to allow the OC Spray to take effect.
 - f. The subject should be handcuffed as soon as it is possible to do so.
 - g. Do not spray any subject after resistance has ceased.

7. After-use procedures

- a. Remove the subject from the area where the spray was administered.
- b. Assure the subject that the effects of the spray are temporary and should disappear within 15 – 45 minutes.
- c. Allow the OC Spray to dry before transporting.
- d. Determine if the subject has any respiratory conditions, such as asthma, bronchitis or emphysema, if possible. If so, or if symptoms continue, provide medical assistance and have EMS respond.
- e. Compliant subjects may be allowed to clean the OC Spray from their person after transportation to police headquarters. Apply water to the eyes for relief and the use of soap and water to remove residual spray from the subject.
- f. Noncompliant subjects should have the OC Spray washed off as soon as it is safe to do so.

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8. All uses of OC Spray shall be reported in a written case report and a Use of Force Report (LPD-404) will be submitted through the chain of command for review and filing.

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xi. Monadnock Expandable Baton

1. As an impact weapon, the Monadnock Expandable Baton can constitute lethal force if blows are affected to a vital area such as the head, face or heart. Blows to such areas may only be used when deadly physical force is justified and the use of a firearm is either impractical or unavailable.
2. Personnel shall not be issued and shall not carry or use Monadnock Expandable Baton unless certified by an instructor approved by the State of Connecticut Police Officer Standards and Training (POST) Council. Recertification shall be conducted on at least a bi-annual basis. Failure to obtain recertification will result in the officer being denied permission to carry the baton until such time as remedial training has been provided and demonstration of proficiency has been documented.
3. Each officer issued a Monadnock Expandable Baton shall be responsible for its loss or damage. Loss or damage shall be immediately reported verbally and in writing to the officer's immediate supervisor.
4. The Monadnock Expandable Baton shall be used in accordance with prescribed training techniques and methods. Prior to using the Monadnock Expandable Baton, officers must evaluate the situation to determine whether or not its use is appropriate.
 - a. The following shall be considered in reaching a decision:
 - i. The age of the offender
 - ii. The physical condition of the offender
 - iii. The level of force being used by the offender
5. The Monadnock Expandable Baton shall be carried in its issued holster whenever on duty in uniform including private duty assignments. Plainclothes officers, when certified with the Monadnock Expandable Baton, may carry a shorter model, approved by the Chief of Police, to facilitate concealment.
6. Exceptions to Section 5 are:
 - a. A plainclothes assignment where the carrying of the Expandable Baton would compromise officer safety.
 - b. Rescue operations or any assignment whereby the Expandable Baton would interfere with the officer's activities.
7. The baton should be carried away from public view when unholstered. The baton should not be extended and openly displayed unless its use is imminent, or during events of civil unrest or when ordered by the Chief of Police or his/her designee.
8. Officers shall not carry the baton on their person when off-duty unless specifically authorized by the Chief of Police or his/her designee.

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9. Officers will report and document the use of the Monadnock Expandable Baton in their case reports and in a Department Use of Force Report (LPD-404).
10. If injury or complaint of injury results from the use of the Monadnock Expandable Baton, involved officers will provide medical attention as their training dictates and contact EMS to respond if applicable.

xii.

xiii. Use of other instruments

1. The Ledyard Police Department does not authorize the use of other impact instruments by officers. However, if necessary to protect the officer or a third person from imminent use of force or cease an attack on the officer, any use of other instruments will be reported by the officer and reviewed by the uninvolved supervisor for objective reasonableness under the totality of the circumstances.
2. Nothing in this order shall prevent an officer from utilizing any reasonable means necessary to defend him or herself or a third person in circumstances or situations where the actions of a subject constitute resistance that meets the definition deadly physical force.

g. Use of Force Reports and Reviews.

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1. **The Chief of Police or his/her designee must be immediately notified of any incidents involving use of Deadly Physical Force.**
2. The use of force report will be completely documented as to necessity, instrumentalities, and related circumstances in an incident report written by all authorized personnel utilizing such level of force to include accidental discharges.
3. Supervisors will review all use of force incidents and they will:
 - a. Determine whether the use of force conforms to current Ledyard Police Department policy and procedures.
 - b. Document their findings in writing concerning policy compliance and their review of the use of force incident on the Use of Force Form (LPD-404)
 - c. The on-scene supervisor will be prepare or insure preparation the following additional documentation when use of force is used by members of this department. Such documentation can be inclusive within the officer's report or as an addendum by the supervisor.
 - (1) As soon as practical, (but no later than the end of shift) notify the Lieutenant who will in turn immediately notify the Chief of Police.
 - (2) Assure medical aid is/was rendered for injuries or complaint of pain
 - (3) Assure Photos are taken of any injuries (obvious or claimed) to include injuries sustained by LPD officer(s).
 - (4) Obtain statements of witnesses and accused persons. Document any refusal to make a statement or cooperate with the supervisor
 - (6) Obtain a Medical Release. Document if refused.
 - (7) Obtain reports by all involved officers to include Witness officers
 - (8) Prepare a supervisor narrative outlining the level of force used and referencing the use of force policy and whether or not it was in compliance with the policy. Utilize the Use of Force Form (LPD-404).
 - (9) Notify CIRMA Injury Reporting website of any injury to an officer or other employee of the Town of Ledyard.
4. A Use of Force Report (LPD-404), with the corresponding copy of the incident report, supplemental reports, and applicable photos, statements, and medical release **shall be**

submitted by the supervisor to the Lieutenant no later than seventy-two (72) hours after the use of force incident. Exceptions to this time frame may be authorized by the Chief, at the request of the Lieutenant.

5. The Lieutenant will review all documentation provided by the supervisor for completeness and justification to ensure compliance with the use of force review process. **The Lieutenant will forward to the Chief and/or his/her designee of the findings within forty-eight (48) hours of receipt of the documentation from the supervisor.** Exception to this timeframe may be authorized by the Chief, at the request of the Lieutenant.
- 6 In December of each year, the Chief of Police, Lieutenant, Sergeant assigned to Use of Force, and the Training Sergeant shall conduct a review of Use of Force Reports for the preceding year. This review will be used to assist in determining the department's training needs for the upcoming year.

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h. Administration of Weapons

1. The assigned Armorer, Firearms Instructors, and Use of Force Instructors are responsible to assure that all sworn department personnel are trained and certified in the department issued Glock .45 caliber pistol with approved department issued ammunition and all less lethal weapons they are authorized to carry.
 - a. The training will consist of at least the minimum required initial POST training and subsequent yearly or biannual qualification/certification.
 - b. Any personnel not found to be proficient in the use of any weapon will be brought to the attention of the Chief and the individual will not be allowed to carry such weapon until he/she proves proficiency according to POSTC standards.
 - c. Training and certification rules also apply to off-duty pistols and ammo.
 - i. Weapons must be semi-automatic pistol or revolver in calibers of .380, 9 mm, .40, .45, .38 or .357. Approved hollow point ammo must be used. Reloads are never to be used for on-duty carry.
 - ii. The armorer will inspect and approve all off-duty weapons.
 - d. After the initial training of the employee to include the inspection and approval of all weapons to be carried conducted by the armorer and/or instructor, a supervisor shall, on a monthly basis, physically inspect the issued pistols, approved off duty firearms and less lethal weapons of all officers. The weapons will be inspected for cleanliness, mechanism function, and the condition of ammunition. The supervisor shall also inspect the issued magazines carried by subordinate officers for the same conditions. Sworn members of the department shall carry their issued pistols and Taser devices in an appropriate holster while on duty. Unless specifically authorized by the Chief of Police, no officer shall carry their pistol or Taser device without a holster, or in a holster that is inconsistent with the officer's training and departmental directives.
 - e. Any weapon found to non-functioning and/or damaged will be removed from service and another weapon will be issued to the officer. The armorer will be advised and cause the weapon to be repaired.
2. The Lieutenant or his designee(s) are responsible to maintain a proper inventory of all issued and stored weapons (lethal and non-lethal) indicating the assigned officers and expiration dates if applicable.
3. The Lieutenant will assign an officer or supervisor to conduct quarterly inspections (January, April, July, October) of the Ledyard Police Department armory.
4. After demonstrating proficiency, Department personnel may only use the assigned weapons with which they have qualified, including patrol rifle, shotgun, pistol, and Taser.

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John J. Rich
Chief of Police

Date

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